

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Melissa Lynn Nuyts v City of Algonac**  
Docket No. **266471**  
L.C. No. **04-002249-NI**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the October 19, 2005 order is not a final order for the reason that the claims against defendants are still outstanding. See MCR 2.604(A) and 7.202(6)(a)(i). The Court concludes that the order does not fall within MCR 7.202(6)(a)(v). An assertion that there has not been a serious impairment is not an assertion unique to government. It is an assertion that can be raised by all defendants. Therefore, the Court concludes that the order is not denying governmental immunity. An appeal of a MCR 7.202(6)(a)(v) final order is very limited. See MCR 7.203(A).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC - 1 2005  
Date

*Sandra Schultz Mengel*  
Chief Clerk